

Application No. 10/667,375
Reply to Office Action dated February 1, 2008

Docket No.: 3449-0273P

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 4, 5, 8, 9, 13-15 and 20-23 are pending in the present application. Claims 1, 5, 9 and 15 are independent. Claims 1, 4, 8 and 9 have been amended and 20-23 have been added by the present amendment.

CLAIM AMENDMENTS

Applicants have amended the claims in order to correct minor typographical errors, and to place the claims in better form. The claim amendments are not being made in response to any statutory requirement for patentability, and have not been narrowed in scope. Instead, the claims have been amended merely to recite the subject matter therein more clearly.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 4, 5, 8, 9 and 13-15 stand rejected under 35 U.S.C. § 102(c) as being anticipated by Kim et al. This rejection is respectfully traversed.

Independent claim 1 recites, among other features, displaying an audio/video (A/V) broadcast signal and a first data broadcast signal based on an Open Cable based broadcasting standard, tuning to a second data broadcast signal based on an ATSC (Advanced Television Systems Committee) based broadcasting standard different than the Open Cable based broadcasting standard in response to a request for a modification of the first data broadcast signal being displayed, and displaying the tuned second data broadcast signal based on the ATSC based

Application No. 10/667,375
Reply to Office Action dated February 1, 2008

Docket No.: 3449-0273P

broadcasting standard. Independent claim 5 recites, among other features, receiving and tuning at least one of a first and second audio/video (A/V) broadcast signals through a corresponding first and second tuners, said first and second A/V broadcast signals being based on corresponding Open Cable based broadcasting and ATSC (Advanced Television Systems Committee) based broadcasting standards that are different from each other, and displaying any one of the first and second A/V broadcast signals with any one of the first and second data broadcast signals. Independent claims 9 and 15 include similar features in a varying scope. Therefore, independent claims 1, 5, 9 and 15 teaches tuning to a first A/V broadcast signal and then displaying the first A/V broadcast signal, as well as tuning to a second A/V broadcast signal and displaying the second A/V broadcast signal.

The Office Action states Kim et al. teaches that the controller 201 controls the modem 204 and connects to the Internet or "other network", and this other network has been interpreted as including other broadcasting standard as claimed (see page 5 of the Office Action). However, nowhere in Kim et al. states that this "other network" includes broadcasting standards. For a proper § 102 rejection, the reference must specifically disclose each and every feature of the claim. Since Kim et al. does not, this rejection is improper.

Further, Kim et al. teaches that the controller 201 connects to the Internet or other network outside the TV receiver (see col. 6, lines 13 – 16 of Kim et al.). The TV receiver is defined in Figs. 1 of Kim et al., wherein the TV receiver has a tuner 103 and a demodulator 104 to receive a TV broadcast signal from a broadcasting station. Therefore, "other network outside the TV receiver" in Kim et al. is not and cannot be broadcasting standards/network.

Application No. 10/667,375
Reply to Office Action dated February 1, 2008

Docket No.: 3449-0273P

Accordingly, Kim et al. teaches away from interpreting that the "other network" in Kim et al. includes the broadcasting standards.

Accordingly, it is respectfully submitted independent claims 1, 5, 9 and 15 and each of the claims depending therefrom are allowable.

CLAIMS ADDED

Claims 20-23 have been added for the Examiner's consideration. Applicants submit that claims 20-23 depend, either directly or indirectly, from independent claims 1, 5, 9 and 15, respectively, and are therefore allowable based on their dependence from independent claims 1, 5, 9 and 15, which are believed to be allowable.

In the alternative, claims 20-23 recite further limitations which are not disclosed or made obvious by the applied prior art. In particular, in Kim et al., a user requests for more detail information that is related to the broadcasting program viewed by a user, and the controller 201 and the model 204 search and receive such requested information (see col. 5, line 57 – col. 6, line 13 of Kim et al.). Therefore, Kim et al. does not teach or suggest tuning to the second data broadcast signal based on the ATSC based broadcasting standard without a user requesting for information related to the first A/V broadcast signal, as recited in claim 20. Further, Kim et al. also does not teach or suggest that the second A/V broadcast signal is displayed without a user requesting for information related to the first A/V broadcast signal and the first A/V broadcast signal is displayed without a user requesting for information related to the second A/V broadcast signal, as recited in claims 21-23.

Consideration and allowance of claims 20-23 are respectfully requested.

Application No. 10/667,375
Reply to Office Action dated February 1, 2008

Docket No.: 3449-0273P

CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Jun S. Ha (Reg. #. 58,508) at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 1, 2008

Respectfully submitted,

By Esther Chong
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant